

BUILDING DIVISION

PLAN CHECK NOTE

From: Building Plan Check

PCN #22

Previous Version: 5-19-2006

Revised Date: 7-14-2008

Subject: Occupancy classification and construction requirements for buildings with multiple attached R-3 units and property lines between the residential dwelling units:

Reference: CBC 2007

Purpose: To provide direction to designers, architects, and plan review staff regarding procedures, interpretations, and information needed for the design, review, and construction of these types of townhouses.

Findings:

Several of the following items will require an AMMC application. Although a single AMMC application is generally required for each specific code issue that is addressed, one application may be considered for more than one issue if the proposal can be considered as a comprehensive solution to the given issues. The application forms may be downloaded at the following link below:

<http://www.sanjoseca.gov/building/Other/altmat.pdf>

The position of the City of San Jose is that these are individual single family residences built up to their property lines for all code provisions except for scoping for accessibility. HCD has requested clarification from HUD and the Department of Justice for scoping of accessibility. Until that clarification is received, the requirements of CBC Ch 11A will be applied to the project regardless of the proposed property lines.

This policy does not apply to condominiums (attached units without property lines between the units) that meet the definition of a townhouse per CBC Ch 2 and classified as an R3 per CBC 310.1.

A. When the units are located on individual parcels that are separated by property lines, the following are applicable:

1. The occupancy shall be classified as R-3 and the construction is permitted to be of type V-B, unless otherwise required by the Building Code.

2. The roof plans, floor plans and exterior elevations for the overall buildings must show the locations of the property lines, with such indications specifically noted as “property line” at each specific case.
3. The plan checker must review the tentative or final map to confirm the design assumptions (e.g.: the locations of easements, property lines between the units, occupancy classification, etc.).
4. The “party wall” at the common property lines between units shall be constructed of two separate walls of 1-hour minimum rated construction (with one such wall on each side of the common property line). Each wall on either side of the common property line must also have a parapet as is required for exterior walls per section 704.11, unless one of the parapet exceptions is met. If parapets are a part of this project, please confirm with the Planning Department that they are allowed.
5. There shall be no roof overhang or other projections crossing the property lines, unless specifically approved as outlined in item B below. Water flow and drainage from a given unit shall similarly not be allowed to occur/discharge on any adjacent unit, unless also specifically approved as outlined in item B below.
6. Each unit shall be structurally independent and separable; however, a shared concrete foundation is acceptable (i.e.: a monolithic pour may be used for more than one unit).
7. Structural elements such as the roof and wall sheathing, as well as exterior finishes, may be continuous over the property lines between the units. In lieu of seismic separations, collectors and blocking may be used to tie the buildings together. The floor sheathing is not allowed to continue across the property line. When tied together, the units must still be structurally independent and separable, but shall also be re-evaluated to confirm that the ties do not adversely affect an adjacent unit. Be aware that noise control issues must be addressed by the acoustic consultant.
8. The “party wall” as described in item A-4 above must extend horizontally beyond the exterior wall to the furthest horizontal projection of the building. An AMMC application will be required for a case-by-case evaluation of the proposed party wall extensions at the projections (e.g.: detailing similar to CBC 705.5 requirements for fire walls could be proposed).
9. Each unit shall have its own independent utilities. Utilities shall not cross the property lines between the units (e.g.: electrical, gas, water, fire sprinklers, etc.).
10. The R-3 multi-unit building(s) shall be provided with a NFPA **13** fire sprinkler system per the San Jose Fire Department Code adoption ordinance. Each unit shall have its own riser (sprinkler lines may not cross the property lines between units).

11. As required by CBC 1024.3, exterior exit stairs/ramps are not allowed within 10' of any property lines, including the common property lines between the units, and any exit stairs/ramp over 30" above the grade must comply (an AMMC application may be submitted to demonstrate equivalent code compliance).
12. Common spaces may be considered as a public way for appropriate purposes of the building code with the approval of an AMMC application per item B below, with language in the deeds identifying these locations as no-build areas.

B. Roof overhangs or other projections and water flow/drainage may be allowed to cross property lines if all of the below items are submitted and approved:

1. Encroachments by projections, roof overhangs, water flow/drainage, etc. from adjacent properties may be approved by an AMMC application. The deed or easement would be used to allow the encroachment over the property line. The CC&R's would provide the access for maintenance. Language must also be included in the deeds of the properties that states that the Building Division and Fire Department are interested parties in the review of any changes in any easement.